

1 ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
2 MICHAEL J. CARROLL (St. Bar #50246)  
220 Montgomery Street, Suite 303  
3 San Francisco, CA 94104  
Telephone: (415) 392-5431

4 Attorneys for Plaintiff  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 BOARD OF TRUSTEES OF THE SAN MATEO ) NO. C 07 3357 JL  
12 HOTEL EMPLOYEES AND RESTAURANT )  
EMPLOYEES PENSION TRUST, SHERRI )  
13 CHIESA, TRUSTEE, )  
14 Plaintiff, )  
15 vs. )  
16 WESTLODGE HOSPITALITY INC., a )  
corporation, doing business as )  
17 TRAVELODGE and as TRAVELODGE SAN )  
FRANCISCO AIRPORT NORTH, )  
18 Defendant. )  
19

20 I, MICHAEL J. CARROLL, certify:

21 1. I am an attorney with the law firm of Erskine & Tulley,  
22 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES  
23 OF THE SAN MATEO HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES PENSION  
24 TRUST, SHERRI CHIESA, TRUSTEE, in this action. I am duly admitted to  
25 practice law in the United States District Court, Northern District  
26 of California. If called as a witness, I could and would competently  
27 testify as follows:

28 2. This case was filed in June 2007. A defective service

1 took place on July 12, 2007. No responsive pleading was filed.

2 3. Plaintiffs requested a notice to withdraw the Motion  
3 to Enter Default on September 3, 2007

4 4. Discussions have taken place with the attorney for  
5 Westlodge regarding the proper defendants. Ms. Woodall requested  
6 additional documentation, which was provided November 28, 2007. Ms.  
7 Woodall has requested time to review the paperwork. Because of the  
8 holidays she is asking for time, until mid January 2008.

9 5. It is requested that the Court continue the Case  
10 Management Conference until January 30, 2008. In the meantime, to  
11 prevent further delays if settlement does not occur, plaintiff will  
12 file a First Amended Complaint based on the information presently  
13 available, and send it out for service on the various defendants.

14 7. Good cause exists to grant plaintiff's request for a  
15 continuance of the Case Management Conference currently set for  
16 December 12, 2007 to January 30, 2008 to allow the parties time to do  
17 informal discovery and avoid any unnecessary burden to the Court.

18 I declare under penalty of perjury that the foregoing is  
19 true and correct to the best of my knowledge.

20 Executed on December 5, 2007 at San Francisco, California.

21 /s/Michael M. Carroll  
22 Michael J. Carroll  
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On December 5, 2007, I served the DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Allison M. Woodall  
Hanson Bridgett, Marcus Vlahos Rudy LLP  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2007 at San Francisco, California.

/s/Sharon Eastman  
Sharon Eastman